

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

SHERNARD C. STEWART, SR.,)	
)	Case No. 1:19-cv-83
<i>Plaintiff,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Susan K. Lee
TN DEPARTMENT OF SAFETY AND)	
HOMELAND SECURITY,)	
)	
<i>Defendant.</i>)	

ORDER

On March 28, 2019, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 7) pursuant to Title 28, United States Code, Sections 636(b)(1) and 1915, and the rules of this Court. Finding that the Tennessee Department of Safety and Homeland Security (“TDOS”) is a state agency entitled to immunity under the Eleventh Amendment to the United States Constitution, Magistrate Judge Lee concluded that this Court lacks jurisdiction over Plaintiff Shernard C. Stewart, Sr.’s claims against TDOS. (Doc. 7, at 4.) Magistrate Judge Lee recommended that this action be dismissed. (*Id.*)

Neither party has timely filed objections to the Magistrate Judge’s Report and Recommendation.¹ Nevertheless, the Court has conducted a review of the Report and Recommendation (Doc. 7), as well as the record, and it agrees with and adopts Magistrate Lee’s

¹ Magistrate Judge Lee specifically advised the parties that they had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 7 n.3); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file any objections has now expired.

well-reasoned conclusions. Accordingly, this action is hereby **DISMISSED**. Stewart's motion for leave to proceed *in forma pauperis* (Doc. 1) is **DENIED AS MOOT**.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**